

Message Text

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TO USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 059222

FOR ROBERT ROSENSTOCK OF USUN LEGAL DIVISION

FOL TEL SENT ACTION SECSTATE FROM SAN JOSE DTD 03 MAR 1976 QUOTE

C O N F I D E N T I A L SAN JOSE 1112

E.O. 11652: GDS

TAGS: PFOR, CS

SUBJECT: VESCO: EXTRADITION

REF: SAN JOSE 1013

1. DURING MEETING WITH PRESIDENT ODUBER MARCH 1, I RAISED WITH HIM SUBJECT PREVIOUSLY DISCUSSED WITH FOREIGN MINISTER FAGIO ABOUT U.S. SERIOUSNESS IN PROCEEDING WITH CASE AGAINST VESCO (REFTEL). ODUBER SAID COSTA RICA WOULD HAVE NO OBJECTIONS IF WE QUOTE GET THAT MAN OUT OF HERE. END QUOTE.

2. I TOLD ODUBER THAT AS I HAD MENTIONED TO HIM ON PREVIOUS OCCASIONS, THE QUOTE VESCO LAW END QUOTE WOULD STILL BE AN OBSTACLE TO THE SUCCESSFUL PURSUIT OF AN EXTRADITION CASE. ODUBER SAID HE UNDERSTOOD THAT BUT GETTING THE LAW AMENDED WOULD BE A REAL PROBLEM FOR HIM.

3. I REMARKED THAT IN THOSE CIRCUMSTANCES, THE BEST HOPE WOULD BE AN UPDATED TREATY BUT THIS COULD BE A LONG PROCESS SINCE TREATY, ONCE NEGOTIATED, WOULD HAVE TO BE APPROVED BY
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COSTA RICAN LEGISLATIVE ASSEMBLY AS WELL AS THE U.S. SENATE,

ODUBE SAID HE FELT CERTAIN HE COULD GET LEGISLATIVE APPROVAL FOR A NEW TREATY AND IN ANY CASE, MUCH MORE READILY THAN HE HE COULD GET THE QUOTE VESCO LAW END QUOTE AMENDED. HE ADDED THAT FURTHERMORE THE TREARY WOULD TAKE PRECEDENCE OVER ANY LAW AND THEREFORE BEST APPROACH WOULD BE TO GET INTO THE TREATY PROVISIONS THAT WOULD OVERCOME OBSTACLES IN THE LAW. HE SUGGESTED THAT WE PROCEED WITH AMENDING THE TREATY. I SAID I WOULD BE IN TOUCH WITH THE FOREIGN MINISTRY IMMEDIATELY TO FOLLOW UP ON APPROACHES MADE PREVIOUSLY TO GET WORK STARTED ON A NEW TREARY. ODUBER OFFERED TO COOPERATE IN ANY WAY HE APPROPRIATELY COULD.

4. COMMENT: THIS IS FIRST OCCASION ON WHICH ODUBER DID NOT HOLD OUT HOPE OF AMENDING QUOTE VESCO LAW END QUOTE AND THUS REPRESENTS A MAJOR CHANGE FROM HIS EARLIER POSITION. IN CIRCUMSTANCES, IT SEEMS BEST THAT WE BEGIN TO PREPARED THE BEST EXTRADITION CASE THAT CAN BE MADE UNDER THE PRESENT LAW, BEING PREPARED TO CHALLENGE CONSTITUTIONALITY OF THAT LAW IF NECESSARY. MEANWHILE, EMBASSY WILL CONTINUE TO PRESS FOR COSTA RICAN GOVERNMENT'S REPLIES TO DRAFT EXTRADITION TREATY WHICH WAS PRESENTED TWO YEARS AGO.

5. IT IS REQUESTED THAT THE DEPARTMENT AT THE SAME TIME REEXAMINE OUR DRAFT TO SEE WHETHER IT ADEQUATELY PROTECTS US ON THE PROCEDURAL SIDE FROM THE QUOTE VESCO LAW END QUOTE WHICH WILL LIKELY PREVAIL ON ANY TOPICS NOT VOERED IN OUR TREATY. THE DEPARTMENT WILL RECALL THAT FACIO HIMSELF TOLD ME THAT HE THOUGHT OUR DRAFT TTEATY WAS WEAK ON PROCEDURE (SAN JOSE 4914).

6. EMBASSY REALIZES THAT NEGOTIATING A NEW TREATY AND GETTING IT RATIFIED, BOTH IN THE UNITED STATES AND COSTA RICA, COULD BE A LONG PROCESS. BUT MAYBE IF WE GET STARTED NOW, A TREATY MIGHT STILL BE APPROVED BEFORE VESCO HAS COMPLETED HIS FIVE-YEAR RESIDENCE REQUIREMENT FOR COSTA RICAN CITIZENSHIP. TODMAN UNQTE INGERSOLL

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